

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Plaintiff(s),) First Choice Credit Union et al.
)
)
v.) Civil Action No. 2:16-cv-506-NBF-MPK
) The Wendy's Company et al.
)
Defendant(s).)

STIPULATION SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2 and the Court's ADR Policies and Procedures.

I. PROCESS

Select one of the following processes:

☒ Mediation
☐ Early Neutral Evaluation (ENE)
☐ Court sponsored Binding¹ Arbitration
☐ Court sponsored Non-binding Arbitration
☐ Other (please identify process and provider) _____

If you are utilizing a private ADR process, such as the American Arbitration Association, be advised that the case is still governed by the Court's ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.

II. COSTS

The parties have agreed to share the ADR costs as follows (do not complete percentages for Court sponsored arbitration. For that process, costs are paid by the Court in accordance with 28 USC §658.):

50 % by Plaintiff(s)
50 % by Defendant(s)
_____ % by Third Party Defendant(s)

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

¹For binding arbitration, please complete form "Stipulation to Binding Arbitration" located on the Court's website at www.pawd.uscourts.gov

III. NEUTRAL

The parties hereby designate by agreement the following individual to serve as a Neutral in the above-styled action:

Name of Neutral:	Hon. Edward Infante
Address of Neutral:	JAMS ADR, Two Embarcadero Center, San Francisco, CA 94111
Telephone & FAX Numbers:	415-774-2611 (p)/ 415-982-5287 (f)
Email address of Neutral:	schan@jamsadr.com
<u>Date of ADR Session:</u>	Held on May 15, 2017

The parties represent that they have contacted the selected prospective neutral and have determined that the neutral is available to conduct the ADR session within the time prescribed by the Court's Policies and Procedures and that the neutral does not have a conflict.

IV. PARTICIPANTS

Name and title of the individual(s) who will be attending the mediation or early neutral evaluation session, **in addition to counsel**, in accordance with **Section 2.7 (Attendance at Session)** of the Court's ADR Policies and Procedures:

See Attachment A	
_____ Attorney for Plaintiff(s)	_____ Plaintiff(s)
	_____ _____ _____ Corporate Representative (Name and Title)
See Attachment A	
_____ Attorney for Defendant(s)	_____ Defendant(s)
	_____ _____ _____ Corporate Representative (Name and Title)
_____ Attorney for Third Party Defendant(s)	_____ Third Party Defendant(s)
	_____ _____ _____ Corporate Representative (Name and Title)

If there is insufficient space to list all parties who will be attending the session, please add additional sheets as necessary.

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority, **as specified in sub-section (A)(1-3) of the above section of the Court's ADR Policies and Procedures.**

V. ACKNOWLEDGMENT

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

Dated: 6/19/17 /s Gary Lynch
Attorney for Plaintiff(s)

Dated: 6/19/17 /s Kristine Brown
Attorney for Defendant(s)

Rev. 4/2017

ATTACHMENT A TO ADR STIPULATION

IV. PARTICIPANTS

The following identifies the individuals who attended the mediation held on May 15, 2017, with the Hon. Edward Infante in San Francisco, CA.

1. Plaintiffs:

a. Attorneys for Plaintiffs:

- Gary Lynch
- Erin Comite

2. Defendants:

a. Attorneys for Defendants

- Kristine Brown
- David Carpenter

b. Corporate Representatives for Defendants

- E.J. Wunsch, General Counsel and Secretary
- Lori Zancourides, Director, Employment and Litigation Counsel